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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,428	04/15/2005	Kenji Sasaki	052412	9082
38834	7590	12/12/2005	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			KASENGE, CHARLES R	
			ART UNIT	PAPER NUMBER
			2125	

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/531,428	Applicant(s) SASAKI ET AL.	
	Examiner Charles R. Kasenge	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/15/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 4/15/05 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujiwara et al. U.S. Patent 6,801,822. Regarding claims 1 and 4, Fujiwara discloses an apparatus for generating and managing production processing structure in a production management system of a factory implemented through a management computer that makes instructions to produce a product and manages production information and terminal computers disposed at production line of the factory (col. 1, lines 55-64 and Fig. 1), comprising: a. registering means for, when structure of the factory comprising at least a name for identifying the factory, a name for identifying the product to be produced at the factory or operation to be implemented at the factory, a name of the line in which the product is to be produced or the operation is to be implemented, and names

of process points obtained by dividing the line, is inputted by a developer, hierarchically registering the names in a storage device of the management computer (col. 9, lines 20-32); b. registering means for, when one of the terminal computers and devices to be used in the production or operation of the production line are identified by the developer, registering them as terminal devices in the storage device (col. 8, lines 23-33 and 52-59; Fig. 1); c. registering means for, when a task or tasks for achieving the operation or processing to be executed in the respective process points from among the tasks prepared in advance and stored in a disk of the management computer, is selected and inputted in a sequence of execution for the respective process points by the developer, registering the task or tasks in the storage device (col. 8, lines 34-40); d. registering means for, when definition information that correlates the registered terminal devices with the operation or processing to be implemented in each of processing steps is inputted by the developer, registering the definition information in the storage device (col. 8, lines 34-40); and e. task execution means for, when the terminal computers of the terminal devices are activated, allowing the management computer to execute the registered tasks based on the registered definition information (col. 12, lines 60-67) to collect production record information of the product and to accumulate the collected production record information (col. 9, lines 43-54).

Regarding claims 2-4 and 6-8, Fujiwara discloses the apparatus according to claim 1, wherein the task execution means includes: means for activating a control program controlling execution of the tasks such that the control program calls for the task to be executed next from among the tasks registered in the sequence of execution; and allows the management computer to execute the tasks registered in the sequence of execution (col. 10, lines 41-52 and Fig. 1).

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Fujiwara discloses the apparatus according to claim 1, further including: g. means for registering distribution format for respective distribution destinations to the registered terminal devices when production instruction information based on the production record information is to be distributed to the registered terminal devices; and the task execution means allows the distribution destinations to distribute the production instruction information in accordance with the registered distribution format (col. 10, lines 32-39). Fujiwara discloses the apparatus according to claim 1, further including: h. means for registering security information concerning use of the terminal devices in the management computer; and the task execution means permits, when each terminal computer of the terminal devices is started up, the start up of the terminal computer, if the computer is operated by the user whose use is permitted by the registered security information (col. 36, lines 4-12).

### *Conclusion*

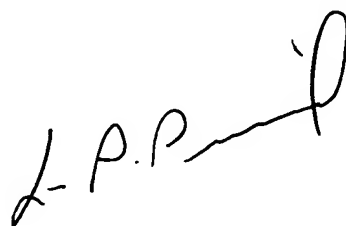
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R. Kasenge whose telephone number is 571 272-3743. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CK  
December 6, 2005

A handwritten signature in black ink, appearing to read "L. P. Picard", with a stylized flourish at the end.

**LEO PICARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**